

**DECLARATION**

**DECLARATION OF CIPRIANO GARIBAY**

CIPRIANO GARIBAY declares and states:

1. I am the President and a shareholder of Defendant RMG TECHNOLOGIES, INC., a Delaware corporation (hereinafter "RMG").

2. I submit this declaration in opposition to Plaintiff TICKETMASTER, LLC, ("TM") a Virginia limited liability company's motion to compel ("motion"). I have been a software designer for over ten years.

3. RMG is a small company of five (5) employees based out of Pittsburgh, Pennsylvania. RMG has created, marketed, sold and provided technical support for a product called a Ticket Broker Acquisition Tool ("TBAT"). All other products sold by RMG are simply support for TBAT.

4. The TBAT browser was created to facilitate the purchase of tickets on a variety of websites, including, but not limited to tickets.com, evenue.net, ticketmaster.com, FIFA soccer ticket websites and websites run by specific venues which do not sell tickets through Ticketmaster. RMG denies the allegations in this case that TBAT is capable of operating faster than a human - it is not. Moreover, RMG denies that TBAT is an automated device that solves the CAPTCHA screen on ticketmaster.com. TBAT requires human typists working in India and Nepal to solve the CAPTCHA screen.

5. On October 15, 2007, a preliminary injunction was issued against RMG. Shortly thereafter, Ticketmaster brought an *ex parte* application against RMG, requesting RMG's most confidential of information, including, but not limited to the source code for TBAT. I, on behalf of RMG, specifically stated that RMG would be amenable to turning this information over to the attorneys for Ticketmaster, so long as a protective order was stipulated to or ordered, preventing Ticketmaster's own employees from having access to RMG's confidential information, because I feared that said information would be disseminated to the

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